

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Doug Billings et al.

Application No.: 09/740,733

Confirmation No.: 4191

Filed: December 19, 2000

Art Unit: 2176

For: AUTOMATIC ASSIGNMENT OF FIELD  
LABELS

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Examiner: R. Singh

**REPLY BRIEF TO EXAMINER'S ANSWER**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.41(a), this Reply Brief is filed within two months from the date of the Examiner's Answer (May 14, 2008).

No fees are required for filing this Reply Brief.

In response to the Examiner's Answer, dated May 14, 2008, Appellant respectfully submits the following remarks. In the Answer, the Examiner has consistently misinterpreted the arguments made by Appellant in the Appeal Brief and has made serious misstatements with regard to a number of the claims. Appellant will address these points in the remarks below.

1) **Independent claims 1, 13 and 25**

In the Examiner's Answer (page 12, line 3), the Examiner stated in reference to claims 1, 13 and 25 that "it does not seem Appellant is actually arguing whether the references teach each of the claimed features of the current invention." The basis for this statement is not clear, but there

should be no question that the cited references fail to teach or suggest all of the features of the claims.

Claim 1, for example, recites a method for processing a document having fields filled in with contents. Labels are assigned to the fields by the following step:

“machine assigning the labels to the fields by *testing the contents of the fields against the rules in order to find an assignment of the labels to the fields that satisfies the rules.*”

The cited art may teach assigning labels to fields, as well as testing the contents of fields against rules, but there is no teaching or suggestion in the cited art of testing the field contents against the rules in order to find an assignment of the labels that satisfies the rules. Although the Examiner identified elements in Rawat and Lee that allegedly correspond to the other features of claim 1 (pages 12-13 in the Answer), the Examiner did not point out any teaching at all in the prior art of testing field contents against rules in order to assign labels to the fields. In other words, even the Examiner has acknowledged implicitly that the cited references do not contain this feature.

Rather, the Examiner’s position appears to be that Rawat and Lee together would have made it obvious to assign labels to fields by testing the field contents against applicable rules, because of the desirable results that are achieved by this method (page 13, lines 12-18, in the Answer). This is hindsight reasoning *par excellence*. Any good invention will give a desirable result, but it does not logically follow that the invention is obvious because the result is desirable. As Appellant has pointed out previously, the prior art first determines field labels and reads contents from the fields, and only then applies rules, based on the field labels, to test the contents for correctness. The method of claim 1 operates in the opposite order, first testing the contents against the rules and then assigning the field labels, because it uses the rules to solve a very different sort of problem: to assign an appropriate label to the field based on the contents.

The Examiner has not articulated any reasoning as to why a person of ordinary skill, without the benefit of hindsight, would have reversed the accepted order and used the rules in this new and unexpected way. On the contrary, the person of ordinary skill would have considered the

rules to be useless for testing contents without first knowing which label has been assigned to the contents in question.

In the last paragraph on page 13 in the Answer, the Examiner “noted that the claims do require first ‘providing labels to the fields’... In other words, the claim is written in a manner that does require providing a label first...” The Examiner has misquoted the claims, which recite, “providing labels to be assigned respectively to the fields...” The labels are, indeed, provided, i.e., the overall set of the labels may be given in advance; but the claim language makes clear that the labels are assigned to the fields only by testing the field contents, as explained above. It is not clear what the Examiner thought to accomplish by this misquotation, but Appellant urges the Board to consider carefully the actual words of the claims and arguments in question.

**2) Independent claims 26, 28 and 29**

These claims, in addition to features of claim 1, use “geometrical rules indicating an expected geometrical relationship between two or more of the filled-in fields in the form” in assigning field labels. In the Answer (page 14, last paragraph), the Examiner held Rawat’s disclosure of sequential mapping of fields (col. 10, lines 45-54) to meet this claim limitation. In spatial terms, however, a field that follows another in logical or programmatic sequence may be displayed below it, to its right, to its left, at a diagonal offset, or even on the next page. Geometry, on the other hand, refers to spatial relations, and a “geometrical rule” regarding a geometrical relationship between two objects requires that one object be located in a certain spatial position relative to the other. Rawat does not teach or suggest this feature of the present claims.

Moreover, as explained in the Appeal Brief, because Rawat was filed after the present patent application, as a CIP of U.S. Patent Application 09/561,449 (now U.S. Patent 6,981,028), Rawat can be effective as prior art against claims 26, 28 and 29 only to the extent that the ‘028 patent discloses the subject matter of alleged relevance. The subject matter in the present instance is the use of field sequence in assigning labels. Appellant pointed out in the Appeal Brief that this idea is not disclosed by the ‘028 patent.

In regard to this point, the Examiner again misstated Appellant’s argument:

“Appellant argues that in order for Rawat to be effective as prior art, the ‘028 patent... must disclose that it was desirable to provide labels for fields lacking labels.”

Appellant made no such statement anywhere in the Appeal Brief. The Examiner’s purported rebuttal of Appellant’s “argument” is therefore *non sequitur*. The fact remains that the ‘028 patent does not support the Examiner’s rejection of claims 26, 28 and 29.

The Examiner concluded by noting that “Assigning a dynamic field name requires examining the contents or structure of the document.” It is not clear how this statement actually supports the Examiner’s argument, but it should be reiterated that there is no teaching or suggestion in any of the cited references (including the ‘028 patent) of examining the contents of a document in order to assign a name to a field.

Furthermore, as noted in the Appeal Brief, in addition to the above points, claims 26, 28 and 29 are patentable for the reasons explained earlier with regard to claim 1.

3) **Dependent claims 3 and 15**

These claims recite that the rules that are used in assigning labels to fields comprise a relation between the contents of two or more of the fields. In regard to claims 3 and 5, Appellant stated in the Appeal Brief that “even if it were conceded, for the sake of argument, that the cited passage [col. 10, lines 45-55, in Rawat] is supported by the ‘028 Patent, this passage relates only to the fields and their labels. It says nothing at all about a relation between field contents, as recited in claims 3 and 15.”

In the Answer, however, the Examiner again misstated Appellant’s argument (page 16, lines 10-11, emphasis added):

“Appellant argues that the ‘028 patent does not teach relations between content fields.”

The Examiner then argued that the ‘028 patent does, in fact, disclose mapping fields and assigning field names. Be that as it may, the Examiner failed to address Appellant’s actual argument: The cited art does not disclose the use of a relation between field contents of two or more fields in order to assign labels to the fields, as recited in claims 3 and 15.

4) **Dependent claims 4 and 16**

These claims recite that a mathematical relationship between the numbers in two or more fields is used in assigning labels to the fields. In regard to these claims, the Examiner put words into the Appeal Brief that are not there at all (page 17, lines 6-7, in the Answer):

“Appellant argues that while Hetherington teaches using mathematical rules, he provides no teaching of a mathematic relation.”

On the contrary, Hetherington does not provide any teaching or suggestion of mathematical rules, and nowhere in the Appeal Brief did Appellant even suggest otherwise. Hetherington refers only to semantic and syntactic information, and says nothing about mathematical rules or relationships. The cited references are simply not relevant to the added features of claims 4 and 16.

5) **Dependent claims 5 and 17**

In relation to these claims, the Examiner has not raised new issues. Appellant stands by the arguments made in the Appeal Brief.

6) **Dependent claims 6 and 18**

The arguments made by the Examiner against these claims are similar to those against claims 26, 28 and 29. Appellant has pointed out the deficiencies in these arguments in section 2 above.

7) **Dependent claims 7 and 19**

These claims recite that in assigning the labels to the fields, a test assignment is made, and is then rejected if the contents of the assigned fields do not satisfy the rules. According to the Examiner’s answer (page 19, lines 14-16), however, Appellant would appear to have argued something totally different:

“Appellant argues claims 7 and 19 are patentable because the references do not teach assigning labels to fields where the contents are rejected if they do not satisfy the rules.”

Appellant has made no such argument. It is the test assignment that is rejected if the field contents do not satisfy the rules. The distinction of the actual language of claims 7 and 19 over the cited references is clearly explained in the Appeal Brief.

**8) Dependent claims 10 and 22**

In relation to these claims, the Examiner has not raised new issues. Appellant stands by the arguments made in the Appeal Brief.

**9) Dependent claims 12 and 24**

In relation to these claims, the Examiner has not raised new issues. Appellant stands by the arguments made in the Appeal Brief.

**Summary**

For the foregoing reasons, Appellant reiterates that the Examiner's rejection of claims 1-10 and 30 was erroneous. Reversal of the Examiner's decision is respectfully requested.

Dated: July 1, 2008

Respectfully submitted,

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